

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ANTHONY VINCENT ABEYTA,

Case No. 3:12-cv-00251-MMD-VPC

Petitioner,

ORDER

v.

ROBERT LEGRAND, et al.,

Respondents.


This habeas matter comes before the Court on respondents' motion to dismiss in part (dkt. no. 14) as well as on an outstanding motion for an extension of time (dkt. no. 20). Petitioner does not oppose the motion to dismiss, and the corresponding claims therefore will be dismissed with prejudice.

It is therefore ordered that respondents' motion to dismiss (dkt. no. 14) is granted and that Grounds 6, 8, and 9 are dismissed with prejudice as procedurally defaulted and Ground 11 is dismissed with prejudice under the rule of *Tollett v. Henderson*, 411 U.S. 258 (1973).

It is further ordered that respondents shall respond to the remaining grounds on the merits within sixty (60) days of entry of this order.

It is further ordered that petitioner's motion for an extension of time (dkt. no. 20) is granted *nunc pro tunc*, in connection with the response filed on April 16, 2014.

DATED THIS 28th day of May 2014.


MIRANDA M. DU
UNITED STATES DISTRICT JUDGE